



IFW

2155

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	
Schmidt, Brian K.	)	Group Art Unit: 2155
Application No: 09/765,886	)	Examiner: Bruckart, Benjamin R.
Filed: January 18, 2001	)	Atty. Docket No: SUNMP586
For: Method And Apparatus For Aggregate )	)	(Prev. 0007056-060/P5320/BBC)
Resource Management of Active )	)	Date: November 30, 2005
<u>Computing Environments</u>	)	

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence and the papers referred to herein as attached are being transmitted to the United States Patent and Trademark Office via facsimile to (571) 273-8300, Attn: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 30, 2005.

Signed: Cynthia Dawn  
Cynthia Dawn

**RESUBMISSION OF POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
**(REVOCATION OF PRIOR POWERS)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please accept the attached Communication Regarding Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney By Assignee (Revocation of Powers), Combined Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers, Appendix A, and Appendix B (Delegation of Signing Authority) and update the Filing Receipt to reflect your acceptance.

No fee should be due at this time. Nevertheless, in the event it is determined that any fees are due, such fees may be charged to Deposit Account 50-0805 (Order No. SUNMP586).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

Leonard Heyman  
Leonard Heyman  
Reg. No. 40,418

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone (408) 774-6933  
Customer No. 32291



### PATENT POSTCARD

Customer No. 32291

Docket No. **SUNMP586**

Appln. No. **09/765,886**

Date: **July 15, 2004**

By: **ASP:kh**

Filing Date: **Jan. 18, 2001**

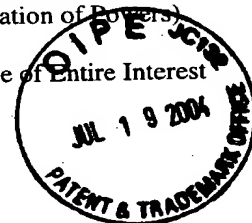
Express Mail No.:

Inventor: **B. Schmidt**

Title: **METHOD AND APPARATUS FOR AGGREGATE RESOURCE MANAGEMENT OF ACTIVE COMPUTING ENVIRONMENTS**

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- **Communication** Regarding Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee To Take Action and Power of Attorney By Assignee (Revocation of Powers) (1 page)
- **Statement Under 37 C.F.R. § 3.73(b)** Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) and **Change of Address** (2 pages)
- **Appendix A** (1 page)
- **Appendix B** Delegation of Signing Authority (2 pages)





# PATENT POSTCARD

Customer No. 32291

Docket No. SUNMP586

Appl. No. 09/765,886

Date: July 15, 2004

By: ASP:kh

Filing Date: Jan. 18, 2001

Express Mail No.:

Inventor: B. Schmidt

Title: METHOD AND APPARATUS FOR AGGREGATE RESOURCE MANAGEMENT OF ACTIVE COMPUTING ENVIRONMENTS

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- **Communication Regarding Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee To Take Action and Power of Attorney By Assignee (Revocation of Powers)** (1 page)
- **Statement Under 37 C.F.R. § 3.73(b) Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) and Change of Address** (2 pages)
- **Appendix A** (1 page)
- **Appendix B Delegation of Signing Authority** (2 pages)



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the patent application of )

B. Schmidt )

Application No: 09/765,886 )

Filing Date: January 18, 2001 )

For: METHOD AND APPARATUS FOR )  
AGGREGATE RESOURCE MANAGEMENT )  
OF ACTIVE COMPUTING ENVIRONMENTS )

Docket No. SUNMP586

Group Art Unit: 2155

Examiner: Bruckart, B.

Date: July 15, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 15, 2004.  
Signed: \_\_\_\_\_

Kay Harlow

**Communication Regarding Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee (Revocation of Prior Powers)**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicant hereby attaches a Combined Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers, Appendix A, and Appendix B, with reference to the above-identified U.S. patent application. Applicant respectfully requests this document be made of record.

As stated in the Power of Attorney please send all correspondence to:

Martine & Penilla, LLP  
710 Lakeway Drive, #170  
Sunnyvale, CA 94085  
Customer No. 32291

Applicant believes that no fees are due in connection with this filing, however, if it is determined that any fees are due, the Commissioner is authorized to charge such fees to Deposit Account 50-0805 (SUNMP586). If the Commissioner has any questions concerning this document, please contact the undersigned at the telephone number set forth below:

Respectfully submitted,  
MARTINE & PENILLA, LLP

Albert S. Penilla, Esq.  
Reg. No. 39,487

710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
(408) 749-6900



# IN THE UNITED STATES PATENT & TRADEMARK OFFICE

**COMBINED STATEMENT UNDER 37 C.F.R. § 3.73(B)-ESTABLISHING RIGHT OF ASSIGNEE TO  
TAKE ACTION  
AND  
POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**Statement Under 37 CFR §3.73(b):**

Sun Microsystems, Inc., a corporation organized under the laws of Delaware states that it is the assignee of entire right, title, and interest; in the patent(s) and/or patent application(s) listed on the attached APPENDIX A, by virtue of an Assignment from the inventor(s) of each of the patent(s) and/or patent application(s) listed on the attached APPENDIX A. Date of recordal, and Reel and Frame number of recordal by the United States Patent & Trademark Office identified on the attached APPENDIX A.

**Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers:**

Pursuant to 37 C.F.R. §1.36, Sun Microsystems, Inc., the record owner (per Statement Under 37 CFR §3.73(b) above) of the patent(s) and/or patent application(s) listed on the attached APPENDIX A, revokes all previous powers of attorney in the patent(s) and/or patent application(s) listed on the attached APPENDIX A and hereby appoints the following attorneys and/or agents assigned to the below Customer Number to prosecute the patent(s) and/or patent application(s) listed on the attached APPENDIX A and transact all business in the U.S. Patent and Trademark Office connected therewith:

**Customer Number 32,291**

Please send all correspondence to:

MARTINE & PENILLA, LLP  
710 Lakeway Dr., Suite 170  
Sunnyvale, CA 94085  
Tel: (408) 749-6900  
Fax: (408) 749-6901  
Customer Number 32,291

The undersigned is empowered to sign on behalf of Sun Microsystems, Inc. in accordance with the attached Delegation of Authority (APPENDIX B)

The undersigned hereby declares that all statements made herein of the undersigned's own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patents and patent applications listed on the attached APPENDIX A or any patents issuing thereon.

Marilyn E. Glaubenslee      12/3/02  
(Signature of authorized person)      (date)

Marilyn E. Glaubenslee, Esq.  
(Type or print name of authorized person)

Managing Attorney (Reg. No. 35,521)  
Title of authorized person *(Having delegated power to sign for Sun Microsystems, Inc. in accordance with APPENDIX B)*

**APPENDIX A**

**Application No. 09/765,886**

**Assignee: Sun Microsystems, Inc.**

**Title: METHOD AND APPARATUS FOR  
AGGREGATE RESOURCE MANAGEMENT  
OF ACTIVE COMPUTING ENVIRONMENTS**


**Recordation Date: January 18, 2001**

**Reel/Frame: 011473 / 0583**

**Atty Docket: SUNMP586**

## DELEGATION OF SIGNING AUTHORITY

I, Michael A. Dillon, Vice President, General Counsel, of Sun Microsystems Inc., (the "Company"), hereby appoint Noreen A. Krall, Reg. #39,734 as Attorney-in-Fact of the Company to execute and deliver in the name and on behalf of the Company, patent office documents, and to grant powers of attorney to patent attorneys and patent agents representing the Company in the patent offices and trademark offices throughout the world as required to facilitate filing, obtaining, renewing, maintaining, working, opposing and terminating patent applications and patent registrations on behalf of the Company, and to execute documents which effect the transfer of title or licenses of patents or trademark rights, so long as such transfers are between any of the Company and its subsidiaries. This Delegation of Signing Authority is effective as of 15 May 2004, and will continue in full force and effect while such person is an employee of the Company or until such time as I otherwise designate.

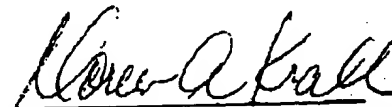
  
\_\_\_\_\_  
Michael A. Dillon  
Sr. Vice President & General Counsel  
Sun Microsystems, Inc.



## DELEGATION OF SIGNING AUTHORITY

I, Noreen A. Krall, Chief Patent Counsel, of Sun Microsystems Inc., (the "Company"), hereby appoint each of the following persons listed below as Attorney-in-Fact of the Company to execute and deliver in the name and on behalf of the Company, patent office documents, and to grant powers of attorney to patent attorneys and patent agents representing the Company in the patent offices and trademark offices throughout the world as required to facilitate filing, obtaining, renewing, maintaining, working, opposing and terminating patent applications and patent registrations on behalf of the Company, and to execute documents which effect the transfer of title or licenses of patents or trademark rights, so long as such transfers are between any of the Company and its subsidiaries. This Delegation of Signing Authority is effective as of 15 May 2004, and will continue in full force and effect while such persons are employees of the Company or until such time as I otherwise designate.

Andrew C. Chen	Reg. No. 43,544
Bernice B. Chen	Reg. No. 42,403
Arien C. Ferrell	Reg. No. 46,696
Marilyn E. Glaubensklea	Reg. No. 35,521
Anirna R. Gupta	Reg. No. 38,275
Elaine K. Lee	Reg. No. 41,936
Sean P. Lewis	Reg. No. 42,798
Jeffrey L. Meyers	Reg. No. 44,252
Joseph A. Twarowski	Reg. No. 42,191

  
Noreen A. Krall, Chief Patent Counsel  
Sun Microsystems, Inc.